KA / BG-GPO/2515/WPP-47/2006-2008 ಸುವರ್ಣ ಕರ್ನಾಟಕ 2006



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೧೬, ೨೦೦೬ (ಫಾಲ್ಗುಣ ೨೫, ಶಕ ವರ್ಷ ೧೯೨೭)	ಸಂಚಿಕೆ ೧೧

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 14 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13ನೇ ಫೆಬ್ರವರಿ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 21ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 729(E) [Order No.F.No. P-11013/3/09/2003-Dist] ದಿನಾಂಕ: 19.12.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF PETROLEUM AND NATURAL GAS

ORDER

New Delhi, the 19th December, 2005

G.S.R. 729 (E).- In exercise of the powers conferred by sections 3 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following Order, namely :-

1. Short title, extent and commencement -

(1) This Order may be called the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 ;

(2) It extends to the whole of India ;

(3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions - In this Order, unles the context otherwise requires,-

(a) "adulteration" means the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorisedly with the result that the product does not conform to the requirements of the Bureau of India Standards specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively or any other requirement notified by the Central Government from time to time ;

(b) "authorised officer" means an officer authorized under the provisions of clause 7;

(c) "consumer" means a person who purchases product from an oil company or a dealer appointed by an oil company and stores or utilises the product for his own consumption and include his representatives, empolyees and agents ;

(d) "dealer" means a person duly appointed by an oil company to purchase, receive, store and sell motor spirit and high speed diesel oil whether or not in conjunction with any other business and shall include his representatives, employees and agents ;

(e) "high speed diesel" means any hydrocarbon oil, excluding mineral colza oil and turpentine substitute, which meets the requirements of Bureau of Indian Standards specification number IS 1460 ;

(f) "malpractices" shall include the following acts of omission and commission in respect of Motor Spirit and High Speed Diesel :-

(i) Adulteration,

(ii) Pilferage,

(iii) stock variation,

(iv) unauthorised exchange,

(v) unauthorised purchase,

(vi) unauthorised sale,

(vii) unauthorised possession,

(viii) over-charging,

(ix) sale of off-specification product, and

(x) short delivery ;

(g) "motor spirit" means any hydrocarbon oil, excluding crude mineral oil, which meets the requirements of Bureau of Indian Standards specification number IS 2796 ;

(h) "Oil company" means the Indian Oil Corporation Limited, the Hindustan Petroleum Corporation Limited, the Bharat Petroleum Corporation Limited, the IBP Co. Limited or any person, firm or company duly authorized by the Central Government who is engaged in marketing and sale of motor spirit or high speed diesel directly to consumers or dealers in accordance with the stipulations laid down by the Central Government from time to time ;

(i) "petroleum" shall have the meaning assigned to it in the Petroleum Act, 1934 ;

(j) "pilferage" means stealing or attempt to steal product from a container used for transportation of the product or from a receptacle used for storage of the product and shall include any unauthorised attempt or act of tampering with such container or receptacle ;

(k) "product" means motor spirit and high speed diesel ;

(l) "Schedule" means The Schedule appended to this Order ;

(m) "stock variation" means variation beyond the norms for permissible variation in stocks as specified in Schedule I ;

(n) "transporter" means a person duly authorised by an oil company, a dealer or a consumer, to transport motor spirit or high speed diesel and shall include his representatives, employees and agents ;

(o) "unauthorised exchange" means transfer or receipt of the product from a dealer or consumer to another dealer or consumer or to any other person in contravention of the directives issued by the State Government or the oil companies ;

(p) "unauthorised purchase" means purchase of the product from sources other than those authorized by the oil companies ;

(q) "unauthorised sale" means sale of product by a dealer or consumer to another dealer or consumer or to any other person in contravention of the directive issued for the purpose by the State Government or the oil companies or in contravention of any provision of this order ;

(r) "unauthorised possession" means keeping of motor spirit or high speed diesel or any petroleum product or its mixture, in contravention of the provisions of this order, under the control of dealer or any other person without valid sales documents issued by the concerned oil company ;

(s) "over charging" means sale of motor spirit or high speed diesel by a dealer at a price / rate higher than that authorized by an oil company from which the dealer has purchased the product ;

(t) "sale of off specification product" means sale of motor spirit or high speed diesel by dealer or quality not conforming to Bureau of Indian Standards specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively.

3. Product supply and transportation :-

(1) The product from the supply point shall be transported by the transporter in a container or tank-truck certified to be fit by the explosives authorities, transport authorities and oil company to carry the product with accurate calibration as certified by the weights and measures authorities and supported by delivery documents and deliver the same to the storage or dispensing point in the same condition as delivered to him by the originating supply point both in respect of quality and quantity.

(2) The transporter shall ensure that the product is transported only in containers or tank truck which is properly sealed and locked.

(3) The dealer or consumer shall inspect such container or tank-truck in which he receives the product to ensure,-

(a) that the container or tank truck, including the seal and lock is not in any manner tampered with ;

(b) that the quantity and quality of the product is as per delivery documents issued by the oil company and the quality of the product conforms to the requirements of the Bureau of Indian Standard specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively. For this purpose, the oil company shall indicate density of the product at 15 degrees centigrade in the delivery documents and the dealer or consumer shall maintain a record of densities and keep samples of product duly signed jointly by him and the driver of tank truck and also take other measures as prescribed by the oil company. The variation in density at 15 degrees centigrade of the product in tank truck compared to the density mentioned in delivery documents should not be more than +/- 0.0030 ;

(4) No person other than the dealer or oil company shall be engaged in the business of selling product ;

(5) No person shall sell or agree to sell any petroleum product or its mixture other than motor spirit or high speed diesel or any other fuel anthorised by the Central Government in any form, under any name, brand or nomenclature, which can be and is meant to be used as fuel in any type of automobile vehicles fitted with spark ignition engines or compression ignition engines ;

(6) No dealer, transporter, consumer or any other person shall indulge in any manner in any one or more of the malpractices.

(7) The delivery or sale of motor spirit and high speed diesel shall be made by a dealer of oil company only from authorised retail pump outlet ;

4. Restriction on marketing of motor spirit and high speed diesel :-

No person, other than those authorized by the Central Government, shall market and sell motor spirit or high speed diesel to consumers or dealers.

5. Grant of authorisation to market motor spirit and high speed diesel :-

(1) Whosoever desires to secure authorization to market and sell motor spirit and high speed diesel shall submit an application to the Central Government as per the form given in Schedule II alongwith a fee of rupees ten lacs either by way of banker's cheque or demand draft in favour of Pay and Accounts Officer, Ministry of Petroleum and Natural Gas payable at New Delhi.

(2) After scrutiny of the application, the Central Government shall, if it is satisfied with the details furnished by the applicant, after requiring the applicant to furnish bank guarantee for an amount specified by the Government, issue authorization to market motor spirit and high speed diesel indicating the terms and conditions of such authorization.

(3) The Central Government, if is satisfied that any of the conditions relating to the authorization as specified in clause have been violated, may cancel the authorization issued under this clause :

Provided that before cancellation of the authrization shall be afforded an opportunity of being heard.

6. Supply of motor spirit and high speed diesel blended with ethanol and bio-diesel -

The Central Government may by an order, make it mandatory to supply motor spirit and high speed diesel blended with a specified quantity of anhydrous ethanol and / or bio-diesel in the whole or any part of the territory of a State or whole of the territory of the Indian Union.

7. Power of search and seizure -

(1) Any Gazetted officer of the Central Government or a State Government or any police officer not below the rank of Deputy Superintendent of Policy duly authorised, by general or special order of the Central Government or a State Government, as the case may be, or any officer of the oil company, not below the rank of sales officer, may, with a view to securing compliance with the provisions of this Order, or for the purpose of satisfying himself that this Order or any order made there under has been complied with or there is reason to believe that all or any of the provisions of this Order have been and are being or are about to be contravened.-

(a) enter and search any place or premises of a dealer, transporter, consumer or any other person who is an employee or agent of such dealer or transporter or consumer,

(b) stop and search any person or vehicle or receptacle used or intended to be used for movement of the product ;

(c) take samples of the product and seize any of the stocks of the product and the vehicle or receptacle or any other conveyance used or suspected to be used for carrying such stocks and thereafter take or authorise the taking of all measures necessary for securing the production of stocks or items so seized before the Collector or District Magistrate having jurisdiction under the provisions of the Essential Commodities Act, 1955 and for their safe custody pending such production ;

(d) inspect, seize and remove with, such aid or assistance as may be necessary, books, registers, any other records or documents of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer ;

(2) While exercising the power of seizure provided under sub-clauses (c) and (d) above, the authorised officer shall record in writing the reasons for doing so and a copy of such recording shall be provided to the dealer, transporter, consumer or any other concerned person, as the case may be.

(3) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this Order.

8. Sampling of Product

(1) The authorised under clause 7 shall draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be, in clean aluminum containers, to check whether density and other parameters of the product conform to the requirements of Bureau of Indian Standard specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively. Where samples are drawn from retail outlet, the relevant tank-truck sample retained by the dealer as per clause 3 (b) would also be collected for laboratory analysis.

(2) The authorized officer shall take and seal six samples of 1 litre each of the motor spirit or three samples of 1 litre each of the high speed diesel. Two samples of motor spirit or one of high speed diesel would be given to the dealer or transporter or concerned person under acknowledgement with instruction to preserve the sample in his safe custody till the testing or investigations are completed. Two samples of Motor Spirit or one of High Speed Diesel shall be kept by the concerned oil company or department and the remaining two samples of Motor Spirit or one of High Speed Diesel would be used for laboratory analysis ;

(3) The sample label shall be jointly signed by the authorised officer who has drawn the sample, and the dealer or transporter or concerned person or his representative and the sample label shall contain information as regards the product, name or retail outlet, quantity of sample, date, name of the authorized officer, name of the dealer or transporter or concerned person or his representative ;

(4) The authorised officer shall forward the sample of the product taken within ten days to any of the laboratories mentioned in Schedule III or to any other such laboratory when it may be notified by the Government in the Official Gazette for this purpose, for analysing with a view to checking whether the density and other parameters of the product conform to the requirements of Bureau of Indian Standard specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively.

(5) The laboratory mentioned in sub-clause (4) shall furnish the test report to the authorised officer within twenty days of receipt of sample at the laboratory.

(6) The authorised officer shall communicate the test result to the dealer or transporter or concerned person and the oil company, as the case may be, within five days of receipt of test results from the laboratory for appropriate action.

9. Power of Central Governments to issue directions -

The Central Government may, from time to time, by a general or special orde issue to any dealer, transporter or consumer or any other person, such directions as it considers necessay regarding storage, sale, transportation and disposal of motor spirit or high speed diesel and upon the issue of such directions, such dealer, transporter or consumer shall be bound to comply therewith.

10. Overriding effect -

The provisions of this Order shall have overriding effect not withstanding anything to the contrary contained in any order made by a State Government or by an officer of such State Government before the commencement of this order except as respects anything done or omitted to be done there under before such commencement.

SCHEDULE I

[see clause 2(m)]

Details of norms for permissible stock variation

Variation in stocks in underground tanks is considered to be beyond normal operation level when the inspection establishes that the variation in stocks in the underground tanks is beyond + / - 4% of tank stock over and above :

(i) Evaporation / handling losses in Motor Spirit as follows -
0.75% on annual average sales of 0 - 600 kilolitres
0.60% on annual average sales of above 600 kiloliters.

(ii) Handling losses in High Speed Diesel as follows -
0.25% on annual average sales of 0 - 600 kiloliters
0.20% on annual average sales of above 600 kiloliters.

(Shrinkage losses and temperature variation allowance quantities on Motor Spirit / High Speed Diesel to be taken into account wherever the same are applicable).

SCHEDULE II

[see clause 5(1)]

Application form

(for issue of authorization to market Motor Spirit and High Speed Diesel)

To,

The Joint Secretary,

Ministry of Petroleum and Natural Gas,

Government of India, Shastri Bhawan,

New Delhi - 110 001.

1.0 Name of applicant

2.0 Type of firm (Strike out whichever is not applicable)

2.1 Public Limited Company / Private Limited Company / Partnership firm / Proprietorship firm/ Others

3.0 Address

3.1 Registered office

4.0 Names, addresses, telephone numbers of Directors / Partners / Proprietor.

5.0 Details of investment made and / or proposed to be made in eligible activities along with completion schedule of the project for new and incomplete projects -

(i) setting up new grass root refineries and / or expansion of the existing refineries along with facilities like crude oil receipt and transportation facilities.

(ii) exploration and production of hydrocarbons including coal bed methane, and associated facilities like crude oil / natural gas pipelines, crude oil and natural gas processing plants.

(iii) terminals for crude oil / LNG.

(iv) common carrier natural gas / petroleum products / LPG pipelines ;

(v) investment in the above activities for setting up additional assets for imporvement in quality of product to meet environmentally related norms.

Note : The activities other than those specified above would not be eligible.

6.0 Time for the completion of new and incomplete projects to be indicated with completion date.

7.0 Details of scheme of marketing -

(i) the source of supply of products to be marketed ;

(ii) tankage and other infrastructure established / proposed to be established along with their capacity ;

(iii) means of transportation of products to depots and to retail outlets ;

(iv) the number and locations of retail outlets proposed to be established and details of their storage and dispensing capacity ;

(v) the total quantum and type of products to be covered under the marketing scheme.

Note :- Details on the above may be separately attached.

8.0 The mode of compliance relating to retail service obligations and marketing service obligations.

(i) number of retail outlets proposed to be set up in remote areas / low service areas ;

(ii) other marketing infrastructure proposed to be set up in remote areas / low service areas ;

(iii) commercial agreements proposed, if any, with the existing marketing companies.

(iv) Others (please specify)

9. Details of application fee paid.

10. DECLARATION

Certified that the above information is true to the best of my knowledge and belief and the information as annexures and statements accompanying this application and correct, complete and truly stated and if any statement made herein is found to be incorrect, I shall be liable for action under the provisions of law.

Date :....................

(Signature)

Name : ....

Designation: ....

SCHEDULE III

See Clause 8(4)

Laboratories for testing of Petroleum Product Samples

1. Marketing and Refinery Laboratories of Oil Companies

(i) All the Marketing (including Mobile Laboratories) and Refinery Laboratories of Bharat Petroleum Corporation Limited, Hindustan Petroleum Corporation Limited, Indian Oil Corporation Limited and IBP Co. Limited ;

(ii) Bongaigaon Oil Refinery Ltd., Refinery Laboratory, P.O. New Bongaigoan, dist, Kokrajhar, Assam ;

(iii) Chennai Petroleum Corpn. Ltd., Refinery Laboratory, Manali, Channai - 600 019, Tamil Nadu ;

(iv) Kochi Refinery Ltd., Refinery Laboratory, Post Ambalamugal, Kochi - 682302, Kerala ;

(v) Mangalore Refinery and Petrochemicals Ltd, Refinery Laboratory, Kuthethoor, P.O. Katipalla, Moodapadav, P.B. No: 2, Mangalore 574 149, Karnataka ;

(vI) Numaligarh Refinery Limited, Refinery Laboratory, Numaligarh, Assam and

(vii) Reliance Petroleum Ltd., Refinery Laboratory, Moti Khavdi (Vill), Digvijayagram (PO) Jamnagar (Dist) - 361 140, Gujarat.

2. Government Laboratories

(i) Director of Airworthiness, Civil Aviation Deptt. Laboratory, Block II/III East, R.K. Puram, New Delhi 110 066;

(ii) National Tesh House, 11/1, Judges Court Road, Alipore, Calcutta - 700 027 ;

(iii) National Physical Laboratory, Pusa, New Delhi - 110 112 ;

(iv) Chemical Testing and Analytical Laboratory, Industries and Commerce Department, Government of Tamil Nadu, Guindy ; and

3. Defence Laboratories

(i) Chief Controlrate of Materials, Controlrate General of Stores Laboratory, IGS Kanpur, P.B. No. 229, Kanpur ;

(ii) Inspectorate General of Stores Laboratory (I.G.S.L.), DGI Complex, Chenna i- 600 114 ;

(iii) Inspectorate General of Stores Laboratory, DGI Complex, Hastings, Calcutta-700 022 ; and

(iv) Inspectorate General of Stores Laboratory, DGI Complex, Vikhroli, Mumbai - 400 083.

4. Other Laboratories

(i) Central Power Research Institute, Bangalore

(ii) Fuel Testing Laboratory, Society for Petroleum Laboratory, B-14, Sector 62, Noida, U.P.,;

(iii) Indian Institute of Petroleum, Dehra Dun 248 005 ;

(iv) Indian Institute of Technology, Guindy, Chennai ;

(v) Indian Institute of Technology, Hauz Khas, New Delhi ;

(vi) Indian Institute of Technology, Powai, Mumbai ;

(vii) Indian Institute of Technology, Kharagpur ;

(viii) Regional Research Laboratory, Uppal Road, Hyderabad - 500 007 ;

(ix) Ramdev Baba Engineering College, Kalol Road, Nagpur - 440 013, Maharashtra ; and

(x) Lakshmi Narayan Institute of Technology, Amravati Road, Nagpur 440 010, Maharashtra.

5. All Forensic Laboratories in the States / Union Territories

[F.No. P-11013/09/2003-Dist.]

AJAY TYAGI, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 16

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 15 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13ನೇ ಫೆಬ್ರವರಿ 2006

2005ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 21ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜಿಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 733(E) [Notification No.F.No. X-11014/6/2004-DMS&PFA] ದಿನಾಂಕ: 21.12.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

NOTIFICATION

New Delhi, the 21st December, 2005

G.S.R. 733 (E).- whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945 was published, as required by Sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated the 13th December, 2004, under the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health), number G.S.R. 807(E), dated the 13th December, 2004, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of forty-five days from the date on which copies of the Official Gazette containing the said notification were made available to the public ;

And, whereas copies of the said Gazzette were made available to the public on 14.12.2004 ;

And, whereas ojbections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by Section 12 and 33 of the said Act, the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :-

1. (1) These rules may be called the Drugs and Cosmetics (6th Admendment) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, -

(i) in rule 122F, in sub-rule (1), 'Explanation' shall be omitted ;

(ii) rule 122G shall be numbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered, the following shall be inserted, namely :-

"(2) Application for grant or renewal of a licence for operation of Blood Bank or processing of human blood components shall be made by the Blood Bank run by the Government, Indian Red Cross Society, hospital, charitable trust or voluntary organization approved by a State / Union Territory Blood Transfusion Council only.

Explanation.- For the purpose of this sub-rule, "renewal" shall include renewal of any licence issued prior to the commencement of the Drugs and Cosmetics (....... Amendment) Rules, 2005."

(iii) In schedule F to the said rules, in Part XII-B, under the heading 'J. SPECIAL REAGENTS', for the entry at serial number (5), the following shall be substitued, namely.-

"(5) ELISA or Rapid or RPHA test kits for Hepatitis and HIV I and II."

[F.No. X-11014/6/2004-DMS & PFA]

RITA TEAOTIA, Jt. Secy.

Foot-note : The principal rules were published in the Official Gazette vide notification No. F. 28-10/45-H (1) dated 21st December, 1945 and amended in the year 2005, by the following notifications published in Part II, Section 3, Sub-section (1) of the Gazette of India, namely :-

(1) GSR 32 (E) dated 20-1-2005.

(2) GSR 35 (E) dated 20-1-2005

(3) GSR 79 (E) dated 14-2-2005.

(4) GSR 174 (E) dated 16-3-2005.

(5) GSR 431 (E) dated 30-6-2005.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 17

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 179 ಕೇನಿಪ್ರ 2005, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16ನೇ ನವೆಂಬರ್ 2005

2005ನೇ ಸಾಲಿನ ಸೆಪ್ಟಂಬರ್ 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR.589 [Notification No.F.No. RT-11028/3/2004-MVL] ದಿನಾಂಕ: 16.9.2005 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Road Transport and Highways)

NOTIFICATION

New Delhi, the 16th September, 2005

GSR. 589 (E).- Whereas the draft of certain rules further to amend the Central Motor Vehicles Rules, 1989, were published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (1), dated the 15th March, 2005 vide notification of Government of India in the Ministry of Shipping, Road Transport and Highways (Department of Road Transport and Highways), number G.S.R. 172 (E), dated the 15th March, 2005, inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date on which copies of the Gazette of India, in which the said notification was published, were made available to the public ;

And whereas copies of the said Gazette were made available to the public on the 17th March, 2005 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sections 27, 64, 110 and 128 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely :-

1. (1) These rules may be called the Central Motor Vehicles (Fifth Amendment) Rules, 2005.

   (2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (hereinafter referred as the said rules), in rule 2, after clause (t), the follwoing clauses shall be inserted, namely :-

   '(u) "Battery Operated Vehicle" means a vehicle adapted for use upon roads and powered exclusively by an electric motor whose traction energy is supplied exclusively by traction battery installed in the vehicle :

   Provided that if the following conditions are verified and authorized by any testing agency specified in rule 126, the battery operated vehicle shall not be deemed to be a motor vehicle.

   (i) The thirty minutes power of the motor is less than 0.25 kW. ;

   (ii) the maximum speed of the vehicle is les than 25 km/h. ;

   (iii) bi-cycles with pedal assistance which are - (a) equipped with an auxillary electric motor having a thirty minute power less than 0.25 kW,whose output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h, or sooner, if the cyclist stops pedalling ; and

   (b) fitted with suitable brakes and retro-reflective devices, i.e. one white reflector in the front and one red reflector at the rear.

   Explanation.- The thrity minute power of the motor is defined in AIS:049:2003 and method of verification is prescribed in AIS:041:2003, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986) ;

   (v) "Power tiller" means an agricultural machinery used for soil preparation having a single axle in which the direction of travel and its control for field operation is performed by the operator walking behind it. This equipment may or may not have a riding attachment and when coupled to a trailer

can be used for the transportation of goods. The maximum speed of the power tiller when coupled to a trailer, shall not exceed 22 km/h. The maximum haulage capacity of the Power tiller coupled to a trailer shall not exceed 1.5 tons.'

3. In rule 4 of the said rules,-

(a) item number 1 and the entries relating thereto shall be omitted ;

(b) after item number 10 and the entries relating thereto, the following item and the entry shall be inserted, namely :-

"11. Any other document or documents as may be prescribed by the State Government under clause (k) of section 28 :"

4. On and from one month from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 24 of the said rules, in sub-rule (4), the words "within a period of ninety days from receipt of such an application" shall be inserted at the end.

5. In rule 25 of the said rules, the following proviso shall be added at the end, namely :-

"Provided that the validity of the said licence shall be subject to fulfilling the criteria as prescribed by the State Government, which shall be certified by the licensing authority or any other authority as may be prescribed for the purpose by the State Government on an annual basis."

6. On and from one month from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 30 of the said rules, in sub-rule (2), the words "within a period of forty five days from the date of receipt of such an appeal" shall be inserted at the end.

7. On and from one month from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 35 of the said rules, in sub-rule (1), after the words and figures "in Form 17", the words "within thirty days from the date of receipt of such an application" shall be inserted.

8. On and from one month from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 46 of the said rules, in sub-rule (2), the words "within the period of thirty days from the date of receipt of such an appeal" shall be inserted at the end.

9. In rule 48 of the said rules, -

(a) after the words "Union Territory Administration", the words "within the period of thirty days from the receipt of such an application" shall be added ;

(b) after the end of the proviso, the words "within the period of thirty days from the date of receipt of such an application" shall be added.

10. In rule 50 of the said rules, in sub-rule (1), in clause (vi),-

(a) On and from one year from the date of publication of the Central Motor Vehicle (Fifth Amendment) Rules, 2005, in the Official Gazette, after second proviso, the following third proviso shall be inserted, namely :-

"Provided also that the size of registration plate for power tiller shall be 285x45 mm and shall be exhibited at the front. Further, in case of trailer coupled to power tiller, the size of registration plate shall be 200x100 mm and shall be exhibited on its rear ;

(b) On and from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005 in the Official Gazette, after the third proviso so inserted, the following fourth proviso shall be inserted, namely :-

"Provided also that in case of a motor cycle, the size of 285 x 45 mm for front registration plate shall also be permitted.".

11. In rule 51 of the said rules, in the Table, after the serial number 7 and the entries relating thereto, the following serial numbers and the entries thereto shall be inserted, namely :-

Serial number	Class of vehicle		Dimension not less than		
			Height	Thickness	Space between
8.	Power tillers	Front letters and numerals	15	2.5	2.5
9.	Trailers coupled to power tillers	Rear letters and numerals	30	5	5

12. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 62 of the said rules, in sub-rule (1), for clause (c), the following clause shall be substituted, namely :-

"(C) renewal of certificate of fitness in respect of Vehicles covered under rule 82 of these rules one year".

13. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 93 of the said rules,-

(a) in sub-rule (4),-

(i) in clause (i), for the words "motor Vehicle", the words "transport vehicle" shall be substituted ;

(ii) for clause (ii), the following clauses shall be substituted, namely :-

"(ii) in the case of a double decked transport vehicle, shall not exceed 4.75 meters ;

(iia) in the case of tractor-trailer goods vehicle, shall not exceed 4.20 metres ;";

(b) in sub-rule (6), in Explanation-I, after paragraph (b), the following paragraph shall be inserted, namely :-

"(c) in the case of vehicles having more than three axles, the distance measured between the centre point of the front combination axles and the centre point of the rear combination axles;".

14. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, after rule 93A of the said rules, the following rule shall be inserted, namely :-

"**93B. Overall dimension for Power tillers.-** (1) The overall length of the power tiller with a riding attachment shall not exceed 3.5 metres.

(2) The overall width of the power tiller with a riding attachment inculding case wheelers shall not exceed 1.5 metres.

(3) The maximum overall height of the power tiller shall not exceed 2.0 metres.

(4) The overall length when of the power tiller when coupled to a trailer shall not exceed 6.0 metres.

(5) The maximum overall width of the power tiller when coupled to a trailer shall not exceed 1.7 metres.

(6) The maximum overall height of the power tiller when coupled to a trailer shall not exceed 2.0 metres.".

15. In rule 95 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(1)The tyres including radial tyres used on all motor vehicles manufactured or imported on and after the 1st day of April, 2006, other than agricultural tractors, construction equipment vehicles and power tillers shall comply with the requirements specified in AIS:044 (Part 1 to 3):2004 as

applicable till the corresponding BIS specifications are notified under the Bureau of Indian Standards, Act, 1986 (63 of 1986) ;

Provided that the selection and fitment of tyres for motor vehicles manufactured or imported on and from the 1st day of April, 2006 shall be in accordance with AIS:050:2004 in the case of two and three wheelers and AIS:051:2004 in the case other motor vehicles, till such time the corresponding BIS specifications are notified under the Bureau of Indian Standards, Act, 1986 (63 of 1986) ;

Provided further that Central Institute of Road Transport, Pune and any other agency which may be authorized by Central Government from time to time can carry tests for verification against AIS:044:2004 for tyres for the purpose of rule 126.".

16. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, after rule 95A, the following rule shall be inserted, namely :-

"95B. Size and ply rating of tyres for Power tillers.- (1) The tyre should have load carrying capacity as specified by the tyre manufacturer, however, the maximum load specified by the power tiller manufacturer shall not be greater than that permitted by the tyre manufacturer.

(2) The Power tiller manufacturer shall select the recommended / preferred rim sizes only, as suggested by the tyre manufacturer.

Note : For compliance to this rule, the following standards shall be referred to, namely :-

(i) IS:13154-1991, as amended from time to time - Tyre for agricultural tractor, implement and power tillers.

(ii) In case a particular size of tyre is not listed in IS:13154-1991, as amended from time to time, any equivalent International Standard like ECE, JATMA, ETRTO, TNRA, ITTAC, etc.".

17. In rule 96 of the said rules,-

(a) for sub-rule (4), the following shall be substituted, namely :-

"(4) Every motor vehicle manufactured on and after the 1st day of April, 2006 shall have a braking system whose performance shall conform to the following Indian Standard, namely -

(i) for two wheelers and three wheelers IS:14664:1999, as amended from time to time.

(ii) all motor vehicles, other than two wheelers, three wheelers, trailers, semi trailers, construction equipments vehicles, agricultural tractors and power tillers, IS:11852 (Part 1) : 2001, 11852 (Part 2) : 2001, 11852 (Part 3) : 2001, 11852 (Part 4) : 2001, 11852 (Part 5): 2001, 11852 (Part 6) : 2001, 11852 (Part 7): 2001 and 11852 (Part 8): 2001, as amended from time to time.

Provided that the requirements of automatic wear adjustment specified in para 4.2.1.1.1a of IS:11852:2001 (Part 2), except for those vehicles fitted with Anti-Lock Braking System, shall come into force from the 1st day of April 2007.

Provided further that IS:11852:2003 (Part 9) shall be applicable for vehicles manufactured on and after the 1st day of October, 2006 fitted with Anti-Lock Braking System.".

(b) after sub-rule (8), the following sub-rule shall be inserted, namely :-

"(9)The following category of vehicles shall be fitted with Anti-Lock Braking System conforming to IS:11852:2003 (Part 9) :-

(i) N2 and N3 category of vehicles other than tractor-trailer combination manufactured on and after the 1st day of October, 2006 meant for carrying hazardous goods and liquid petroleum gas ;

(ii) N3 category vehicles manufactured on and after the 1st day of October, 2007, which are double decked transport vehicles ;

(iii) N3 category vehicles manufactured on and after the 1st day of October 2007, that are used as tractor-trailer combinations.

(iv) M3 category of buses that ply on All India Tourist permit, manufactured on and after the 1st day of October, 2007.".

18. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, after rule 96C of the said rules, the following rule shall be inserted, namely :-

"96D. Braking requirements for Power tillers.- The Power tillers when coupled to a trailer shall meet the following requirements, namely :-

(i) the brake test for the power tiller coupled to a trailer shall be carried out with a gross combination weight not exceeding 1.5 tons as declared by the manufacturer ;

(ii) The brake test shall be conducted at a speed of 15 km/h to meet the stopping distance requirement of 7.5 metres with the pedal effort not exceeding 600N ;

(iii) The trailer coupled to the Power tiller shall be fitted with a parking brake capable of holding the combination on an up-slope and down-slope gradient of 12%.".

19. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, after rule 98B of the said rules, the following rule shall be inserted, namely :-

"98C. Steering gear for Power tillers.- The turning circle diameter and the turning clearance circle diameter of Power tillers coupled to trailers, when measured as per IS:12222:1987, as amended from time to time, shall not exceed 10 metres.".

20. On and from one year the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 99 of the said rules, the following proviso shall be inserted, namely :-

"Provided that Power tillers with a riding attachment and power tillers coupled to trailers shall be capable of moving under its own power in the reverse direction also.".

21. In rule 101 of the said rules,-

(a) at the end of sub-rule (1), on and from the 1st day of April, 2006, for the words, figures and letters "motor cycles and three wheelers of engine capacity not exceeding 500 CC", the words "and motor cycles" shall be substituted ;

(b) sub-rule (3) shall be omitted.

22. In rule 102 of the said rules, on and from the 1st day of April, 2006, for sub-rule (1) and the proviso thereunder, the following shall be substituted, namely :-

"(1) The signal to turn to the right or to the left shall be given by electrically operated direction indicator lamps on all motor vehicles including construction equipment vehicles. Every construction equipment vehicle shall be fitted and maintained so that the following conditions are met, namely :-

(i) The direction indicator lamps shall be of amber colour which are illuminated to indicate the intention to turn, by a light flashing at the rate of not less then 60 and not more than 120 flashes per minute.

(ii) The light emitted by the lamp when in operation shall be clearly visible from both front and rear of the vehicle.

(iii) The minimum illuminated area of each direction indicator shall be 60 square centimeters ;

Provided that nothing contained in this sub-rule apply to L1 category of motorcycles.".

23. In rule 103 of the said rules, on and from the 1st day of April, 2006, in sub-rule (2), for the words, figures and letters "three wheelers of engine capacity not exceeding 500 CC and", shall be omittted.

24. In rule 104 of the said rules,-

(a) for sub-rule (1) and the proviso thereunder, the following shall be substituted, namely :-

"(1) Every motor vehicle manufactured on and after the 1st day of April, 2006, including trailers and semi-trailers, other than three wheelers and motor cycles shall be fitted with two red reflectors, one each on both sides at their rear. Every motor cycle shall be fitted with at least one red reflex reflector at the rear ;

Provided that a reflective tape or reflective paint of not less than 20 mm width and running across the width of the body shall be affixed / painted at the front and rear of every goods carriage."

(b) in sub-rule (2), on and from the 1st day of April, 2006, the words, figures and letters "of engine capacity not exceeding 500 CC" shall be omitted.

(c) In sub-rule (3), on and from the 1st day of April, 2006, the words, figures and letters "of engine capacity not exceeding 500 CC" shall be omitted.

(d) in sub-rule (4), on and from the 1st day of April, 2006, for the words, figures and letters "the Indian Standards IS:8339:1993 specified by the Bureau of Indian Standards", the words, figures and letters "AIS:057:2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards, Act, 1986 (63 of 1986)" shall be substituted.

25. After rule 104A of the said rules, the following rules shall be inserted, namely :-

"104B. Fitment of reflectors for agricultural tractors.- (1) Every agricultural tractor manufactured on and after the 1st day of April, 2006 shall be fitted with two non-traingular red reflectors of not less than 7 sq.cm reflecting area one each on both sides at the rear.

(2) The reflectors referred in sub-rule (1) of this rule shall be of the reflex type conforming to AIS:057:2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards, Act, 1986 (63 of 1986).".

104C. Fitment of reflectors on Power tillers.- (1) On and from one year from the date of commencement of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, every power tiller shall be fitted with two white reflex reflectors of not less than 7 sq.cm reflecting area in the front of the vehicle one on each side and visible to oncoming vehicles from the front at night, conforming to AIS 057:2005 till corresponding BIS specifications are notified under the Bureau of Indian Standards, Act, 1986 (63 of 1986).

(2) In the case of trailers attached to power tillers, two red 'reflectors of not less than 7 sq.cm reflecting area in the rear side, one each at right and left corners, at a height not exceeding 1500 mm above the ground shall also be fitted.".

26. On and from the 1st day of April, 2006, in rule 105 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(1) Save as hereinafter provided, every motor vehicle, while being driven in a public place, during the period half an hour after sunset and at any time when there is no sufficient light, shall be lit with the following lamps which shall render clearly discernible persons and vehicles on the road at a distance of one hundred and fifty five metres ahead :-

(a) in the case of motor vehicle other than three wheelers, three wheeled invalid carriages and motor cycles, two or four head lamps ;

(b) in the case of motor cycles, three wheelers and three wheeled invalid carriages one or two head lamps.

(c) in the case of a side car attached to a motor cycle one lamp showing a white light to the front."

(d) in the case of construction equipment vehicle, two or four lamps showing to the front white light visible from a distance of one hundred and fifty five meters ahead.

27. On and from the 1st day of April, 2006, in rule 109 of the said rules, the words, figures and letters "three wheelers of engine capacity not exceeding 500 CC" shall be omitted.

28. On and from the 1st day of April, 2006, in rule 110 of the said rules,-

(a) for the heading, the following heading shall be substituted, namely :-

"**Lamps on three wheelers" ;**

(b) for the words, figures and letters "auto-rickshaw and three wheeler of engine capacity not exceeding 500 CC", the words "three wheelers" shall be substituted ;

(c) after the proviso, the following proviso shall be inserted, namely :-

"Provided further that fitment of one head lamp shall be applicable only in case of three wheelers with overall width not exceeding 1400 mm and in such cases the side lights shall be amber in colour.".

29. In rule 115A of the said rules.-

(a) For the marginal heading, the following heading shall be substituted namely :-

" Emission of smoke and vapour from agricultural tractors, power tillers and construction equipment vehicles driven by diesel engines.-" ;

(b) for sub-rule (5), the following shall be substituted, namely :-

"(5) Every diesel driven agriculture tractor and power tiller shall be so manufactured and produced by the manufacturer that it complies with the following standards of gaseous pollutants emitted by them in addition to those of visible pollutants as provided in sub-rule (2) when tested as per the procedure prescribed in ISO 8178-4 'C1' 8 mode cycle, namely :-

The weighted average Mass of Carbon Monoxide (CO), Hydrocarbon (HC) and oxides of nitrogen (NOx) and Particulate Matter (PM) in gram per kilo watt hour emitted during the test shall not exceed the limits given below in the Table for Type Approval (TA) and Conformity of production (COP) tests, namely :-

TABLE

<table>
<tr><td rowspan="3">(1)</td><td>Bharat (Trem)
State II norms</td><td>Bharat (Trem)
Stage III norms</td></tr>
<tr><td>(2)</td><td>(3)</td></tr>
<tr><td>TA=COP</td><td>TA=COP</td></tr>
<tr><td>Mass of Carbon Monoxide (CO)</td><td>9.0</td><td>5.5</td></tr>
<tr><td>Mass of Hydro Carbons (HC)</td><td rowspan="2">15.0</td><td rowspan="2">9.5</td></tr>
<tr><td>Mass of Oxides of Nitrogen (NOx)</td></tr>
<tr><td>Mass of Particulate Matter (PM)</td><td>1.0</td><td>0.8</td></tr>
</table>

Notes :-

(1) The norms mentioned in column (2) of the said Table which are applicable for agricultural tractor with effect from the 1st day of June, 2003, shall be applicable for power tillers from the 1st day of October, 2006.

(2) The norms mentioned in column (3) of the said Table shall be applicable for agricultural tractor with effect from the 1st day of October, 2005 and for power tillers from the 1st day of April, 2008."

30. On and from one year from the date of publication of the Central Motor Vehicle (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 115B of the said rules,-

(a) in part A, in item (I), for clause (a), the following clause shall be substituted, namely :-

"(a) in case of CNG fitments by vehicle manufacturers on new petrol vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;";

(b) in part A, in item (II), in clause (a), the following sub-clause shall be inserted, namely :-

"(iii) for the vehicles manufactured on and after the 1st day of April, 2005, the type approval norms as applicable subject to minimum of Bharat Stage-III emission norms in case of four wheelers and Bharat Stage-II emission norms for two and three wheelers.".

(c) in part B, in item (I), for clause (a), the following clause shall be substitued, namely :-

"(a) in case of CNG fitments by vehicles manufacturers on new diesel vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;";

(d) in part B, in item (II), for clause (c), the following clause shall be substitued, namely :-

"(c) The in-use vehicles when converted to operate on CNG shall meet the type approval norms of diesel vehicles corresponding to the year of their manufacture subject to the following minimum norms :-

(i) for the vehicles manufactured upto the 31st day of March, 2000, the type approval norms equivalent to India-2000 (India Stage-1) norms as applicable under these rules ;

(ii) for the vehicles manufactured on and after the 1st day of April, 2000, the type approval norms as specified in the Bharat Stage-II norms, till the validity of such Bharat Stage-II norms ;

(iii) for the vehicles manufactured on and after the 1st day of April, 2005, the type approval norms as applicable subject to minimum of Bhart Stage-III emission norms in case of four wheelers and Bharat Stage-II emission norms for two and three wheelers till the validity of these norms;";

(e) in part C, for the para above the Table, the following para shall be substituted, namely :-

"C. Replacement of In-use Diesel Engine by New CNG Engine.- For Type Approval of in-use vehicle having diesel engine replaced by new Compressed Natural Gas engine, it shall meet prevailing emission norms as applicable to the category of vehicles in respect of its place of use subject to tests mentioned in the Table given below."

(f) in part F, for note7, the following note shall be substituted, namely :

"7. in case of conversion kits on in-use gasoline vehicles or converted diesel vehicles, the validity of the type approval certificate issued by the testing agencies shall cover vehicles manufactured between the year of manufacture of the vehicle, on which such kit has been tested and date of the validity of the applicable norms prescribed for such category of vehicles as per clause (a) of item (II) of part A of rule 115B. Testing agencies shall be required to indicate specifically the model and their variants for diesel vehicles and capacity range of gasoline vehicles on which the certificate shall be valid for conversion.".

31. In the rule 115C of the said rules,-

(a) In sub-rule (3), for clause (a), the following clause shall be substituted, namely :-

"(a) on and after expiry of one year from the date of publication of the Central Motor Vehicle (Fifth Amendment) Rules, 2005 in the Official Gazette, the in-use vehicles fitted with LPG kits shall meet the type approval emission norms specified in these rules for gasoline vehicles as applicable to the corresponding year of manufacture of such vehicle, subject to the following minimum norms :

(i) for the vehicles manufactured upto the 31st day of March, 2000, the type approval norms equivalent to India-2000 (India Stage-I) norms as applicable under these rules ;

(ii) for the vehicles manufactured after the 1st day of April, 2000, the type approval norms as specified in the Bharat Stage-II norms, till the validity of such Bharat Stage-II norms ;

(iii) for the vehicles manufactured after the 1st day of April, 2005, the type approval norms as applicable subject to minimum of Bharat Stage-III emission norms in case of four wheelers and Bharat Stage-II emission norms for two and three wheelers ;

Provided that in respect of vehicle model / conversion kits / engine replacements type approved and certified under rule 115C prior to commencement of these rules (as per notification number G.S.R. 284(E) dated the 24th April, 2001), such certificates shall cease to be valid after one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette notwithstanding the priod of validity specified in such certificates. Such certificates need to be revalidated by testing agencies in terms of these rules.".

Provided further that respective kit manufacturer / retrofitter / converters shall be free to obtain from testing agencies type approval in terms of new rules even prior to commencement of these rules."

(b) sub-rule (5) shall be omitted.

(c) On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in sub-rule (6) for clause (i), the following clause shall be substituted, namely :-

"(i) in case of LPG fitments by vehicles manufacturers on new diesel vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;";

(d) On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in sub-rule (7), for the para above the Table, the following para shall be substituted, namely :-

"**(7) Replacement of In-use Diesel Engine by new LPG Engine.-** For type approval of in-use vehicle having diesel engine replaced by new Liquefied Petroleum Gas engine it shall meet the prevailing emission norms as applicable to the category of vehicles in respect of its place of use subject to the tests mentioned in the Table given below.".

(e) On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in sub-rule (10), after Note (5), the following Note shall be inserted, namely :-

"(6) In case of conversion kits on in-use gasoline vehicles or replacement of in-use diesel engines by new LPG engines, the validity of the type approval certificates issued by the testing agencies shall cover vehicles manufactured between the year of manufacture of the vehicle, on which such kit had been tested and the date of validity of the norms prescribed for such category of vehicles as per clause (a) of sub-rule (3) rule 115C. Testing agencies shall be required to indicate specifically, the model and their variants for diesel vehicles and capacity range of gasoline vehicles on which the certificate shall be valid for conversion.".

32. On and from one year from the date of publication of the Central Motor Vehicle (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 119 of the said rules,-

(a) In sub-rule (1), for the words, "every motor vehicle including a construction equipment vehicle and agricultural tractor" the words "every motor vehicle, agricultural tractor, power tiller and construction equipment vehicle" shall be substituted.

(b) under sub-rule (1), in the proviso, for the words, "horn installation requirements", the words, "horn installation requirements for motor vehicle" shall be substituted.

33. In rule 120 of the said rules,-

(a) in sub-rule (2), the following proviso shall be added at the end, namely :-

"Provided that on and from the 1st day of April, 2006, where different noise levels are prescribed for vehicles, the lowest limits prescribed for vehicles of such category, shall apply to Battery Operated Vehicles.".

(b) On and from the 1st day of October, 2006, after sub-rule (3), the following sub-rule shall be inserted, namely :-

"(4) In the case of Power tiller with a riding attachment or Power tiller coupled to trailer, the noise level when tested as per IS:12180:2000, as amended from time to time, shall not exceed 88 dB (A) at the bystander position and 98 dB (A) at the operator's ear level.".

34. On and from the 1st day of April, 2006, in rule 122 of the said rules,-

(a) for the marginal heading, the following heading shall be substituted, namely :-

"**Emobossment of the Chassis number and Engine number or in the case of Battery Operated Vehicles, motor number and month of manufacture**.-" ;

(b) In sub-rule (1), in the proviso, for the words, "engine number, chassis number and month of manufacture all together", the words "engine number / motor number, chassis number and month of manufacture" shall be substituted.

35. On and from six months from the date of commencement of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in rule 124 of the said rules, after sub-rule (1A), the following provisos shall be inserted, namely :-

"Provided that the vehicle manufacturers shall ensure the fitment of the rear under run protective device in vehicles of categories N2, N3 and their trailers except special purpose vehicles namely tractors and tippers at their end and lateral under run protective device either at their factory or at their dealer's end. Vehicle not fitted with such devices shall not be registered under these rules. They shall also ensure to supply necessary kits if the fitment is not done by them in the case of lateral under-run protective device.

Provided further that the rear under run protective device shall also be painted with yellow and white zebra stripes on the entire rear face of the device.

36. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, CNG after rule 124A of the said rules, the following rule shall be inserted, namely :-

"124B. Safety Standards of components for power tillers.- (1) The lamps and bulbs used on power tillers for

(a) the head light main and dip ;

(b) the parking light ;

(c) the direction indicator lamp ;

(d) the tail lamp ;

(e) the reversing lamp ;

(f) the stop lamp ;

(g) the rear Registration mark illuminating lamp,

shall be in accordance withAIS:034:2004 as amended from time to time till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(2) The lighting and signaling devices shall be in accordance with AIS:062:2004 as amended from time to time, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(3) The safety and comfort of the operator of a power tiller shall be in accordance with IS:12239 (Part 3):1996, as amended from time to time.

(4) The gradeability of a power tiller coupled to a trailer under the declared combination weight by the manufacturer shall be in accordance with IS:9980:1988, as amended from time to time.

37. In rule 125 of the said rules, after sub-rule (5), the following sub-rule shall be inserted, namely :-

"(6) On and from the 1st day of October, 2007, the seats, their anchorages and their head restraints for M2, M3, N1, N2 and N3 Category of vehicles, shall be in accordance with AIS:023:2005 as amended from time to time till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).".

38. After rule 125A of the said rules, the following rules shall be inserted, namely :-

"**125B. Sepcial requirements for transport vehicles that are driven on hills.-** (1) On and from the 1st day of October, 2006, such four wheeled transport vehicles as may be notified by State Governments in the official Gazette plying on such routes or areas in hilly terrains shall be fitted with fog lamp, power steering, defogging and demisting system and that the State Government would provide a lead time of six months for this purpose.

(2) Anti-lock braking system shall be introduced in all M-2 category buses including those plying on All India Tourist Permit on and from the 1st day of October, 2007 in hill areas.

"**125C. Body building and approval.-** (1) On a date to be notified, the testing and approval for body building of buses shall be in accordance with AIS:052:2001 as amended from time to time for vehicles mentioned therein, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986)."

(2) The testing and approval for the body building of school buses shall be in accordance with AIS:063:2005 as amended from time to time for vehicles mentioned therein, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).".

39. On and from one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 128 of the said rules, for sub-rule (4), the following sub-rule shall be substituted, namely :-

"(4) Emergency exit - The emergency exit provided on the tourist vehicle shall meet the following requirements, namely :-

(i) be clearly marked "EMERGENCY EXIT" in bold letters on the inside and the outside of the tourist vehicle ;

(ii) be so designed as to open from inside and the outside of the tourist vehicle ;

(iii) be equipped with a fastening device which can be quickly released but so designed as to offer protection against accidental release ;

(iv) be easily accessible to persons of normal height standing on the ground outside the vehicle ;

(v) be easily assessible to the passengers ;

(vi) be such that no seat or other object placed in the vehicle shall restrict the passage to the emergency door ;

(vii) be located either at the back or on to the right hand side of the vehicle ; and

(viii) emergency exist may be provided in the form of a window with breakable glass. In such cases, a suitable device shall be provided at a convenient place to break open the glass in the event of an emergency.".

40. On and after two years from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in the Official Gazette, after rule 128 of the said rules, the following rule shall be inserted, namely :-

"128A. Special provision for M3 category of vehicles.-

The provisions of sub-rule (4) of rule 128 shall apply to all M3 category of vehicles.

41. On and from six months from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette, in rule 138 of the said rules, in sub-rule (4),-

(a) in clause (c), the following proviso shall be inserted at the end, namely :-

"Provided further that in addition, M3 and N3 category of vehicles shall also be required to install retro-reflective triangle complying to AIS:022:2001 as amended from time to time, excluding the requirements specified in clauses 7.2, 7.3, 7.4, 7.7, 8.1.2 and 5.0, 6.0, 11.0 of Annexure-4 of the said standard. The colour of the triangle fitted in the front of the vehicle shall be white and that of rear shall be red. The location of both the triangles shall be at least one meter above the ground level at the front and rear, preferably at the centre of the vehicle. For the purposes of "white colour warning triangle", the word "red" shall be substituted by word "white", wherever applicable in AIS:022:2001. The colour requirements of white retro-reflective portion shall be as per clause 8.5 of AIS:057 and white fluorescent material shall be as per clause 7.1 of ISO:7591-82(E)."

(b) after clause (e), the following shall be inserted, namely :-

"(f) at the time of purchase of the two wheeler, the manufacturer of the two wheeler shall supply a protective headgear conforming to specifications prescribed by the Bureau of Indian Standards under the Bureau of Indian Standard Act, 1986 (63 of 1986) :

Provided that these conditions shall not apply to category of persons exempted in terms of Section 129 and the rules made thereunder by the concerned State Government.".

42. On and from six months from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005 in the Official Gazette, the wods "Engine number" appearing in Forms 20, 21, 22, 22A, 23, 23A, 24, 25, 27, 28, 29, 31, 32, 41, 42, 43, 46, 51 and 54 the words "Engine number or motor number in the case of Battery Operated Vehicles" shall be substituted.

[F.No. RT-11028/3/2004-MVL]

S.K. MISHRA, Director (Road Transport)

Note : The Principle rules were notified vide G.S.R. 590(E) dated the 2nd June, 1989 and last amended vide G.S.R. 349 (E) dated the 1st June, 2005.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.